



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,008	01/31/2001	Sang-hyun Shin	Q62027	2294

7590 10/04/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/774,008

Applicant(s)

SHIN, SANG-HYUN

Examiner

Ashok B. Patel

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
 - a) The period for reply expires _____ months from the mailing date of the final rejection.
 - b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 - (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

See continuation sheet.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. Other: _____

JOHN FOLLANSBEE

PATENT EXAMINER
GY CENTER

Continuation Sheet:

Rejection of Claims 1, 2, 5 and 13 under j 103(a) over Namma in view of Aoki:

Applicant's argument:

"Although Namma discloses a type of proxy server apparatus, there is no teaching, suggestion, or motivation for receiving a request for an IP address of a second terminal, for example. In response to the applicant's remarks in the April 15, 2005 Amendment, the Examiner explains how Namma discloses a certain communication process which takes place between a proxy server apparatus 2 and a server apparatus YAMADA. Such communication process, however, takes place between servers, not between terminals. Therefore, Namma and Aoki fail to teach, suggest or provide motivation for any of the operations (a)-(c) recited in the claim."

Examiner's response:

Namma discloses in col., line 25-54, "(11) As mentioned, in this embodiment, it is assumed that the server apparatus YAMADA 4 is not connected, in step 2-4, the proxy server 2 makes a call with the telephone number 03-7890-1234 toward the public telephone network 3. When the connection is provided, the server apparatus YAMADA 4 transmits a log-in name and a password. The proxy server apparatus 2 receives the log-in name and the password in step 2-5. Then, the proxy server apparatus certifies the server from the log-in name and the password and assigns one of IP addresses to the server apparatus YAMADA 4 in step 2-6. The proxy server apparatus 2 assigns the IP address as follows. At first, the proxy server apparatus 2 checks one of IP address as to whether the IP address is being used. If the IP address is not used, the proxy server apparatus 2 assigns the IP address to the server apparatus 4. For example if the proxy server apparatus 2 holds ten IP addresses from 133. 185.001.001 to 133.185.001.010, the IP addresses 133.185.001.003 is not used, the proxy server apparatus 2 assigns this IP address to the server apparatus 4. After assigning the IP address, in step 2-7, the proxy server apparatus 2 tries to establishing the PPP connection with the server apparatus YAMADA. When, the PPP connection has been established, the proxy server apparatus 2 registers the IP address 133.185.001.003 at the column of the IP address at the row of the server apparatus YAMADA 4 in the communication condition control table 200 in step 2-8. In the following step 2-9, the proxy server apparatus 2 effects data communication with the server apparatus YAMADA 4 and transmits a reply to the client terminal 1."

As such, the communication process takes place not between servers, but between terminals.

Rejection of Claims 3 and 4 under j 103(a) Over Namma and Aoki and further in view of Ray:

Applicant's argument:

"Claims 3 and 4, which depend from claim 1, are believed to be patentable for at least the reasons submitted for claim 1 and because Ray fails to make up for the deficiencies of Namma and Aoki."

Examiner's response:

Please refer to the response provided for claim 1.

Rejection of Claims 7, 15 and 16 under j 103(a) over Curry in view Martin:

Applicant's response:

"Examiner continues to argue that the DNS 51 supposedly corresponds to the claimed name server. Curry, however, makes no mention of the DNS 51 as having the claimed database for storing IP addresses and the claimed controller which assigns an IP address, in the context of wireless-to-wireless communication. Although the Examiner points out that Curry discloses a wireless gateway system 5, this is not the DNS 51, but rather, is an entirely different aspect of the system disclosed by Curry."

Examiner's response:

Curry teaches in col. 9, line 34-54, "(30) As shown in simplified form in FIG. 1, the domain name server (DNS) 51 comprises a server computer which functions as the central processing unit of the domain name server. The computer has an IP packet data interface to the network 31. The DNS system 51 also includes a data storage system storing a series of databases attached to or incorporated into the server. The databases include look-up tables for direct translations of names to addresses and may include routing control records for conditional processing of requests for communication with at least some customers. Essentially, when a person wishes to initiate a communication, they instruct their PC to start communication using a name address, either based on a textual name or a telephone number. The PC transmits a name translation request or 'query' to the domain name server system 51 via the appropriate access server 27 and the network 31. The server 51 receives the domain name query from the public packet data network 31. In response, the server may execute a direct look-up table based translation to an IP address and/or an associated telephone number, for example for voice communication."

Rejection of Claims 8, 9 and 12 under j 103(a) over Voit in view of Curry

Applicant's argument:

"Claim 8 is believed to be patentable because the Examiner cannot state that the generalized functional descriptions of the Domain Name Server in Voit correspond to the recited claim elements. While the features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. M.P.E.P. j 21 14. Here, the claim recites structural elements which are not taught or suggested by Voit."

Examiner's response:

Voit teaches a name server in an internet protocol (IP)-based communication system comprising'.

 a communication module unit for sending and receiving IP-based data (Col. 9 lines 40-43., Col. 12, lines 58-62);

 a controller for registering telephone numbers and requests for translation of telephone numbers into IP addresses (Col. 9, lines 18-27),* and

 a database for storing IP addresses and telephone numbers as determined by the controller (Col. 9, lines 30-33), wherein the communication module unit sends and receives IP-based data to and from external devices (col. 10, lines 43-45: IP address sent to called PC).

Rejection of Claim 14 under § 103(a) over Voit and Curry and further in view of Menon:

Applicant's argument:

"Claim 14, which depends from claim 8, is believed to be patentable for at least the reasons submitted for claim 8, and because Menon fails to make up for the deficiencies of Voit and Curry."

Examiner's response:

Menon teaches a name server system 10 which translates the telephone numbers of a first and second wireless terminal 17 into IP addresses (Fig. 1, Paragraph 0100: two end user wireless terminals, Paragraph 0102 and 01032 registering of telephone numbers and IP addresses for wireless terminals and translation of phone numbers into IP addresses, Paragraph 0075: assigning of IP addresses to mobile terminals).